

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

X CORP.,

Plaintiff,

v.

**MEDIA MATTERS FOR AMERICA,
et al.,**

Defendants.

Civil Action No. 4:23-cv-01175-O

DEFENDANTS' MOTION TO CERTIFY AN IMMEDIATE APPEAL

Pursuant to 28 U.S.C. § 1292(b), Defendants Media Matters for America, Eric Hananoki, and Angelo Carusone move the Court to certify an immediate appeal of the Court's order denying Defendants' Motion to Dismiss Plaintiff's First Amended Complaint, ECF No. 82 ("Order").

For the reasons stated in the accompanying Brief in Support, Defendants request that the Court enter an amended Order indicating that the Order is certified for immediate appeal.¹

Dated: September 20, 2024.

Respectfully submitted,
/s/ Andrew LeGrand

¹ The interlocutory-appeal statute requires that certification appear in the order being certified itself, not in a separate order. *See* 28 U.S.C. § 1292(b) (requiring that a judge certifying an order "shall so state in writing *in such order*" (emphasis added)). Defendants respectfully request that, in accordance with the statutory provision, the Court amend its original order to indicate it is certified for immediate appeal. In an abundance of caution, however, based on Defendants' obligation under LR 7.1(c), Defendants also file herewith a proposed order indicating its intent and effect of amending the court's original order denying Defendants' Motion to Dismiss Plaintiff's First Amended Complaint.

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CERTIFICATE OF CONFERRAL

On September 20, 2024, counsel for Defendants conferred with counsel for X Corp. to obtain their position on this motion. X Corp. opposes the motion.

/s/ Andrew LeGrand
Andrew LeGrand

CERTIFICATE OF SERVICE

On September 20, 2024, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Andrew LeGrand
Andrew LeGrand